

EXAMINER'S AMENDMENT

Election/Restrictions

1. Claims 1-11, 13, 15, 16, 18, 19, 21-23, 41, 42-46 (as amended below) are allowable. The restriction requirement between Groups I/II and Group II, as set forth in the Office action mailed on 7/16/2009, has been reconsidered in view of the allowability of claims to the elected invention pursuant to MPEP § 821.04(a). **The restriction requirement is hereby withdrawn as to any claim that requires all the limitations of an allowable claim.** Claims 24-30, 32, 34-37, 39, and 40 (as amended below), directed to a method for monitoring gait characteristics of a subject using a sensor module and processor are no longer withdrawn from consideration because the claim(s) requires all the limitations of an allowable claim.

In view of the above noted withdrawal of the restriction requirement, applicant is advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application.

Once a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided

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by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Applicant's representative James Golladay on 8/11/10.

The application has been amended as follows:

In reference to Claim 1

In line 8, "module" has been deleted.

In line 12, "recognize that data is consistent with the" has been replaced with – detect a--.

In line 13, "steps of a human being and a fall of a human being", has been replaced with --steps of the human being and the fall of the human being--.

In line 13, --and comparing the data to a threshold—has been inserted after "fall of the human being--.

In reference to Claim 21

In lines 3-4, "processes data received from said sensor module; recognize that the data is consistent with the fall of a human body; and" has been deleted. In line 5, "recognized" has been deleted.

In reference to Claim 24

In line 7, --using a processor: —has been inserted prior to "analyzing".

In line 11, "recognizing that data is consistent with the" has been replaced with – detecting a--.

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In line 12, “steps of a human being and a fall of a human being-- has been replaced with --steps of the human being and the fall of the human being--.

In line 12, --and comparing the data to a threshold-- has been inserted after “fall of the human being”.

In reference to Claim 41

In line 13, “recognizing that data is consistent with the” has been replaced with – detecting a--.

In line 14, “steps of a human being and a fall of a human being” has been replaced with --steps of the human being and the fall of the human being--.

In line 14, --and comparing the data to a threshold-- has been inserted after “the fall of the human being--.

In reference to Claim 42

In line 12, “the determined” has been replaced with --the determining--.

In line 13, “an abnormal gait characteristic and a human body fall” has been replaced with --limping, shuffling, and falling of a human being--.

In line 13, --by comparing the signal to respective characteristic patterns--.

3. The following is an examiner’s statement of reasons for allowance: Regarding independent claims 1, 24, and 41, the prior art does not disclose or reasonably suggest using acceleration/vibration/deflection signal data from a sensor module configured to record this data while touching the surface of the floor that a subject can walk on, and processing this data with a processor to detect a fall of a human being by distinguishing

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between steps of the human and fall of the human and comparing the data to a threshold. Regarding independent claim 42, the prior art does not disclose or reasonably suggest a sensor configured to detect while touching a floor surface floor acceleration/vibration/deflection and a processor unit configured to determine at least two of a normal gait characteristic, limping, shuffling, and falling of a human being by comparing the signal to a respective characteristic pattern for these gait types. US 2002/0107649 to Takiguchi et al., is not configured to gather data while contacting a floor surface, as it worn on and monitors the vibration through the body of the user. US Pat. No. 3,296,587 to Baker, discloses contacting the ground surface while monitoring the floor vibrations, but does not distinguish between foot steps and a fall of a human being and compare the data to a threshold, nor does it determine normal gait/limping/shuffling/falling of a human being by comparing the signal to characteristic patterns for these gait characteristics; instead Baker merely outputs a signal corresponding to vibration.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHN PANI whose telephone number is (571)270-1996. The examiner can normally be reached on Monday-Friday 7:30 am - 5:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Max Hindenburg can be reached on 571-272-4726. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JP/ 8/11/10

/Max Hindenburg/
Supervisory Patent Examiner, Art Unit 3736

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